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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,809	08/04/2003	Tsutomu Kiyono	116784	4610

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EXAMINER

QIN, JIANCHUN

ART UNIT	PAPER NUMBER
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2837

DATE MAILED: 10/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/632,809

Applicant(s)

KIYONO ET AL.

Examiner

Jianchun Qin

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/7/06&8/11/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5,7,8,10,12,14,15,17,19 and 21-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1,3,5,7,8,10,12,14,15,17,19,21 and 23 is/are allowed.
- 6) ☒ Claim(s) 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kitakaze et al. (JP2002351459, machine translation of English).

Kitakaze et al. teaches a computer usable program embodied on an information storage medium for playing a music game with a percussion instrument, wherein a triggering event occurs when an initially inputted beating operation signal is received as a start signal in a start acceptance state prior to starting the game (Abstract).

Kitakaze et al. do not mention expressly: said triggering event is a game starting event.

Nevertheless, in view of the teaching of Kitakaze et al., one having ordinary skill in the art at the time the invention was made would be able to apply the same method to carry out a game starting function when detected triggering information indicates a percussion operation starts (Kitakaze et al., Abstract). The mere application of a known technique to a specific instance by those skilled in the art would have been obvious.

Allowable Subject Matter

3. Claims 1, 3, 5, 7, 10, 12, 14, 15, 17, 19, 21 and 23 are allowed.

Reasons for Allowance

4. The following is a statement of reasons for the indication of allowable subject matter:

The primary reason for the allowance of claims 1, 8, 15 and 23 is the inclusion of the limitations that a plurality of input sensors are located in the input area and branched from at least one conductive section which transmits a signal from the input sensors and serves as a first transmission path, the conductive section is connected to at least one bypass member that serves as at least one second transmission path different from the first transmission path, and the at least one bypass member is connected between different portions of the conductive section. It is these limitations found in each of the claims, as it is claimed in the combination that has not been found, taught or suggested by the prior art of record, which make these claims allowable over the prior art.

The primary reason for the allowance of claims 3, 5, 7, 10, 12, 14, 17, 19 and 21 is the inclusion of the limitations that said input device having a planar-shaped first input area in a predetermined region and a second input area annularly formed around a periphery of the first input area, the input device outputting different signals when beating inputs are applied to the first and second input areas, respectively, wherein the first input area includes a sheet-like first input sensor which is disposed over the almost

entire surface of the first input area, the first input sensor being divided into a plurality of sections, and wherein the second input area includes a plurality of second input sensors branched from a conductive section which transmits a signal as a first transmission path, the conductive section being connected to at least one bypass member which is a second transmission path so that a plurality of paths for transmitting a signal from the second input sensors are provided for the input device. It is these limitations found in each of the claims, as it is claimed in the combination that has not been found, taught or suggested by the prior art of record, which make these claims allowable over the prior art.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Response to Arguments

6. Applicant's arguments received 07/07/06 and 08/11/06 with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

Claim 22 is rejected as new prior art references (JP2002351459 to Kitakaze et al.) has been found to teach the claimed invention. Detailed response is given in section 2 as set forth above in this Office Action.

Prior Art Citations

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1) Tanaka et al. (U. S. Pub. No. 20030061932) is entitled to "Simple electronic musical instrument, player's console and signal processing system incorporated therein".

2) Nishimoto et al. (U.S. Pub. No. 20010034014 A1) is entitled to "Physical motion state evaluation apparatus".

3) Yanase (U.S. Pat. No. 6822148) is entitled "Electronic pad".

4) Yanase et al. (U.S. Pat. No. 20040016339) is entitled "Electronic pad with vibration isolation features".

Response to Arguments

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8. Applicant's arguments received 01/31/2006 with respect to claims 1, 3, 5, 7, 8, 10, 12, 14, 15, 17, 19, and 21-23 have been considered but are moot in view of the new ground(s) of rejection.

Claim 22 is rejected as new prior art reference has been found to teach the claimed invention. Detailed response is given in sections 2-3 as set forth above in this Office Action.

Contact Information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jianchun Qin whose telephone number is (571) 272-5981. The examiner can normally be reached on 8am - 5:30pm.

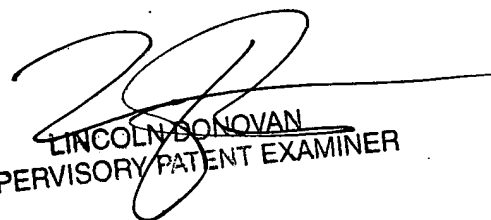
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lincoln Donovan can be reached on (571) 272-1988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jianchun Qin
Examiner
Art Unit 2837

JQ 


LINCOLN DONOVAN
SUPERVISORY PATENT EXAMINER